



Environmental Services

Certified Mail 7099 3220 0009 2613 1693
Return Receipt Requested

May 31, 2001

Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice P.O. Box 7611
Ben Franklin Station
Washington D.C. 20044

No. 7099 3220 0009 2613 1709
Chief
Air Enforcement & Compliance Assurance Branch
Air and Radiation Division, AE-17J
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

No. 7099 3220 0009 2613 1686
Supervisor
Compliance Determination Unit
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

RE: Metropolitan Wastewater Treatment Plant
Civil Action No. 99-CV-1105 and
Air Emission Permit No. 12300053-001
Feed Rate Limitation Exceedance Notification – April 2001

RECEIVED

JUN 05 2001

AIR ENFORCEMENT BRANCH
U.S. EPA, REGION 5

To Whom It Concerns:

Part VI.9.f. of the consent decree in the above referenced matter, and Table A of the above referenced permit requires the Metropolitan Council to notify the Environmental Protection Agency, the Department of Justice and the Minnesota Pollution Control Agency of exceedances of feedrate limitations during the operation of the multiple hearth incinerators at the Metropolitan Wastewater Treatment Plant. This notification is to be in writing and submitted by the end of the following calendar month.

As you may be aware, spring snowmelt and rainfall contributed to 500-year flood conditions in the upper Mississippi River here in the Twin Cities. All access roads to the plant were inundated and the plant was completely surrounded by floodwaters. The actual plant premises were protected by flood protection dikes and levees. These significant flood and spring rainfall events flushed considerable inert materials (silt and sand) from the collection sewers to the plant. This resulted in a substantially higher than normal percentage of inert solids being captured in the sludge. Since these inert materials dewater easier, this phenomenon leads to higher than anticipated percent solids in the dewatered sludge feed to the incinerators.

Largely as a result of these unusual conditions during April 2001 there were a total of 12 exceedances of the dry ton per hour feedrate limitations. Those exceedances are summarized in the attached table.

Prior to each of the days of exceedance, significant rainfall events occurred. By way of comparison, typically the dewatered sludge is comprised of approximately 25% inert solids. However, in each of the cases at issue, the inert solids content of the sludge ranged between 26 and 45%. The resultant sludge solids were 3-10% higher than normal.

As you also know, the actual percent sludge solids used to calculate the dry tons per hour feedrate is determined in the laboratory, with the results becoming available 1-2 days after the sample is collected. In addition, a field solids analyzer is used by the operators to determine the approximate solids in the dewatered sludge while these preliminary results are more timely (approximately one hour after the sludge is feed to the incinerator), we can still only estimate the dry tons per hour feedrate.

In comparing the field derived solids values to the laboratory values, we learned that the field measurements were running 2-6% below the lab-derived results, which lead to the operators underestimating the actual dry ton per hour feedrate. We are in the process of modifying our field procedures for the purpose of improving the correlation between the field and laboratory results.

The bottom line is that we consider these exceedances to be the result of unusual circumstances, and we do not anticipate continued problems of this nature.

Finally, we note that since these feedrate limitation exceedances arguably are the product of the unusual flood conditions we experienced, they could reasonably be considered a force majeure situation. Given the relatively modest amount of the stipulated penalties concerned here, the Council is not asserting this as a defense with regard to these particular exceedances, but would like to go on record as reserving our right to do so in the future if similar situations should occur.

Should you have any questions, please contact me at 651/602-1162.

Sincerely,



(for William G. Moore)
General Manager

attachment

Civil Action 99-CV-1105
Feed Rate Exceedance Notification – April 2001
May 31, 2001
Page 3

Cc: Mike Mereness
Rebecca Flood
Mark Thompson
Bob Cattanaach, Dorsey & Whitney

File: Metro Air Quality – EPA Enforcement



Certified Mail 7099 3220 0009 2613 1655
Return Receipt Requested

May 31, 2001

Chief, Civil Division
United States Attorney's Office
District of Minnesota
Room 600, United States Courthouse
300 South Fourth Street
Minneapolis Minnesota 55415

Rec
6/5/01
ETG/m

RE: Civil Action No. 99-CV-1105
Stipulated Penalty Payment – April 2001

To Whom It Concerns:

Part X.35.a. of the consent decree in the above referenced matter outlines the stipulated penalty payments due when feed rate limitations are exceeded at the Metropolitan Wastewater Treatment Plant. As a result of feed rate limitation exceedances that occurred at the facility during April 2001, attached is a stipulated penalty payment of \$2,500.00.

Should you have any questions, please contact me at 651/602-1162.

Sincerely,

William G. Moore
General Manager

Attachment

Cc: Mike Mereness
Rebecca Flood
Mark Thompson
Bob Cattanaach, Dorsey & Whitney

Cc:

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Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice P.O. Box 7611
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Air Enforcement & Compliance Assurance Branch
Air and Radiation Division, AE-17J
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

File: Metro Air Quality – EPA Enforcement

Check Date: 05/25/01

CHECK NO. 879882

Inv Number	Inv Date	Origin	Memo Comments	Paid Amount
99-CV-1105 PE	5/23/01	RA	PENALTY SLUDGE FEED 99-CV-11	2,500.00

Vendor Number
0000004106Vendor Name
US TREASURYDate
05/25/01Total Amount
\$2,500.00

THIS CHECK IS VOID WITHOUT A RED TO BLUE BACKGROUND



Mears Park Centre, 230 East Fifth Street
St. Paul, Minnesota 55101
Phone (651) 602-1000

PAY ONLY **2500.00**
TWO FIVE ZERO ZERO CTSCS

PAY TO THE ORDER OF US TREASURY
#600 US COURTHOUSE
300 S 4TH ST
CHIEF CIVIL DIV US ATTORNEY'S
DISTRICT OF MN
MINNEAPOLIS, MN 55415

U.S. Bank
East Grand Forks
Minnesota 56721

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05/25/01

*****\$2,500.00

THIS CHECK VOID IF NOT CASHED WITHIN
NINETY DAYS OF DATE OF ISSUANCE

Ted Mondula
Chair
Jay R. Lindgren
Regional Administrator

VOID OVER \$2,500.00

BORDER CONTAINS MICROPRINTING

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